

3. As used herein, the term “primary packaging” refers to the physical battery casing itself and the labeling thereon (*e.g.* the label affixed to the battery itself).

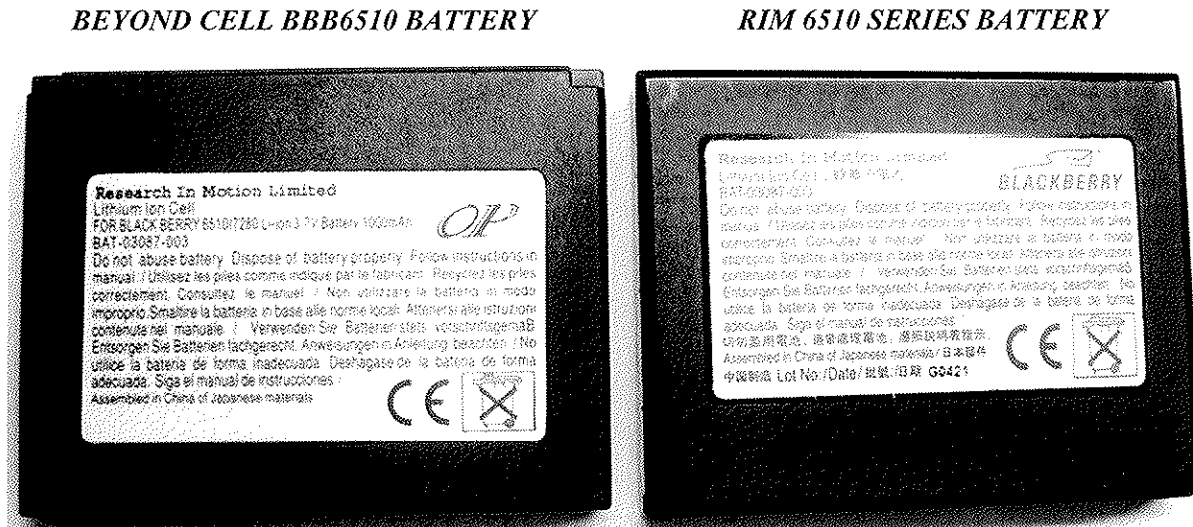
4. The Wireless Accessories BBB6510 BlackBerry battery is allegedly counterfeit for at least the following reasons:

4.1 The Wireless Accessories BBB6510 battery primary packaging constitutes a black rectangular casing with a white label affixed thereon, similar to the genuine RIM battery for the 6510 series. Like the genuine corresponding RIM battery, the Wireless Accessories BBB6510 battery label has imprinted upon it “Research in Motion Limited” at the top left of the battery and states in all capital letters “BAT-03087-003” at the bottom of the battery. Unlike the genuine RIM battery, however, the Wireless Accessories BBB6510 battery has: “OP” imprinted on the upper-right hand side of the label; and “FOR BLACKBERRY 6510/(7280) Li-ion 3 7V Battery 1000mAh” imprinted on the bottom-right hand side of the label.

4.2 Unlike the genuine corresponding RIM battery, the Wireless Accessories BBB6510 label omits all the Chinese characters and the lot/date code. Furthermore, the Wireless Accessories BBB6510 label is not placed in the correct orientation on the allegedly counterfeit battery; it is effectively upside-down.

4.3 X-rays reveal that the Wireless Accessories BBB6510 battery lacks several of the required safety features contained in all genuine RIM batteries. The lack of these safety features can result in potential hazards including explosions, fire, or leakage of contents including toxic substances.

4.4 Following is a picture of the genuine RIM battery next to the allegedly counterfeit BBB6510 battery:



5. The Wireless Accessories BBB8100 BlackBerry battery is allegedly counterfeit for at least the following reasons:

5.1 The Wireless Accessories BBB8100 battery primary packaging constitutes a label similar to the genuine RIM battery for the 8100 series, including: a rayed background comprised of thick and thin lines, wherein the thick lines are of a uniform dark shade of yellow and the thin lines are of a uniform light shade of yellow; the lines appearing to originate at a common nucleus off the left side of the battery and diverge across the battery from left to right in an expanding sunburst-style pattern; and a registered RIM dataflow trademark (Registration Nos. 3105797 and 3240231) located on the top-left of the battery. Unlike the corresponding genuine RIM battery for the 8100 series, however, the Wireless Accessories BBB8100 battery has: a different

Pantone® color which is lighter yellow; the RIM dataflow trademark followed by “OP” on the bottom right of the battery; and “FOR BLACKBERRY 8100/C-M2 Li-ion 1000mAh Battery” imprinted in the center of the label.

- 5.2 Moreover, unlike the genuine RIM battery, the Wireless Accessories BBB8100 label omits all the Chinese characters and does not have an actual lot code stamped.
- 5.3 X-rays reveal that the Wireless Accessories BBB8100 battery lacks several of the required safety features contained in all genuine RIM batteries. The lack of these safety features can result in potential hazards including explosions, fire, or leakage of contents including toxic substances.

5.4 Following is a view of the allegedly counterfeit BBB8100 battery next to the genuine RIM battery:

BEYOND CELL BBB8100 BATTERY

RIM 8100 SERIES BATTERY



6. The Wireless Accessories BBB8300 BlackBerry battery is allegedly counterfeit for at least the following reasons:

- 6.1 The Wireless Accessories BBB8300 battery primary packaging constitutes a label similar to the genuine RIM battery for the 8300 series, including: a similar array of evenly spaced dots against a blue background; the dots of an even size except at an area towards the center-right of the battery where the dots increase in size towards a central dot and create the visual effect of a

magnified section of the label; and the “C-S2” code in white followed by a white silhouette icon of a lock on the top left hand side. Unlike the genuine RIM battery for the 8300 series, the Wireless Accessories BBB8300 battery has: “OP” imprinted on the bottom-right corner; “For Black Berry 8300/8700” imprinted on the top of the label; and “Standard Battery 1000mAh 3.7V” imprinted on the bottom of the label.

6.2 Unlike the genuine RIM battery, the Wireless Accessories BBB8300 label omits all the Chinese characters.

6.3 X-rays reveal that the Wireless Accessories BBB8300 battery lacks several of the required safety features contained in all genuine RIM batteries. The lack of these safety features can result in potential hazards including explosions, fire, or leakage of contents including toxic substances.

6.4 Following is a view of the allegedly counterfeit BBB8300 battery next to the genuine RIM battery:

BEYOND CELL BBB8300 BATTERY

RIM 8300 SERIES BATTERY



7. The Wireless Accessories BBB8700 BlackBerry battery is allegedly counterfeit for at least the following reasons:

7.1 The Wireless Accessories BBB8700 battery primary packaging constitutes a label similar to the genuine RIM battery for the 8700 series, including: a similar array of evenly spaced dots against a blue background; the dots of an even size except at an area towards the center-right of the battery where the

dots increase in size towards a central dot and create the visual effect of a magnified section of the label; and the “C-S2” code in white followed by a white silhouette icon of a lock on the top left hand side. Unlike the genuine RIM battery for the 8700 series, the Wireless Accessories BBB8700 battery has: “OP” imprinted on the bottom-right corner; “For Black Berry 8700” imprinted on the top of the label; and “Standard Battery 1000mAh 3.7V” imprinted on the bottom of the label.

- 7.2 Unlike the genuine RIM battery for the 8700 series, the Wireless Accessories BBB8700 label omits all the Chinese characters.
- 7.3 X-rays reveal that the Wireless Accessories BBB8700 battery lacks several of the required safety features contained in all genuine RIM batteries. The lack of these safety features can result in potential hazards including explosions, fire, or leakage of contents including toxic substances.

7.4 Following is a view of the allegedly counterfeit BBB8700 battery next to the genuine RIM:

BEYOND CELL BBB8700 BATTERY

RIM 8700 SERIES BATTERY



8. The Wireless Accessories BBB8800 BlackBerry battery is allegedly counterfeit for at least the following reasons:

8.1 The Wireless Accessories BBB8800 battery primary packaging constitutes a label similar to the genuine RIM battery for the 8800 series, including: a rayed background comprised of thick and thin lines, wherein the thick lines are of a uniform dark shade of green and the thin lines are of a uniform light shade of green; the lines appearing to originate at a common nucleus off the left side of

the battery and diverge across the battery from left to right in an expanding sunburst-style pattern; and a registered RIM dataflow trademark (Registration Nos. 3105797 and 3240231) located on the top-left of the battery. However, unlike the genuine RIM battery for the 8800 series, however, the Wireless Accessories BBB8800 battery has: the RIM dataflow trademark followed by “OP” on the bottom right of the battery; “FOR BLACKBERRY 8800/8830 C-X2 Li-ION 1200mAh STANDARD BATTERY” imprinted in the top-right hand corner of the label; and different pantone colors which are lighter greens.

- 8.2 Unlike the genuine RIM battery, the Wireless Accessories BBB8800 label omits all the Chinese characters.
- 8.3 X-rays reveal that the Wireless Accessories BBB8800 battery lacks several of the required safety features designed to protect the public contained in all genuine RIM batteries. The lack of these safety features can result in potential hazards including explosions, fire, or leakage of contents including toxic substances.

8.4 Following is a view of the allegedly counterfeit BBB8800 battery next to the genuine RIM battery:

BEYOND CELL BBB8800 BATTERY

RIM 8800 SERIES BATTERY



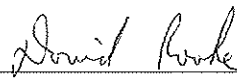
9. The testing also reveals that unlike the genuine RIM batteries, the Batteries do not uniformly apply a water ingress label that detects the presence of liquids in the battery.

10. The testing further shows that the Batteries do not comply with the IEEE 1725 industry standard. The IEEE 1725 industry sets uniform criteria for the design, production, and evaluation of cellular phone batteries. The standard is promulgated by the IEEE Standards

Organization, a global standards-setting body that develops industry consensus standards. The testing disclosed that the Batteries lack safety features required by the IEEE 1725 standard.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 27, 2008



David Rooke